

**MILAN: URBAN REGENERATION.
THE NEW GUIDELINES FOR THE DEVELOPMENT OF BUILDING ACTIVITY.**

The Municipality of Milan, with Council Resolution 23 February 2024 no. 199, approved the new guidelines for the development of administrative activities in the field of town planning and building.

These are new guidelines launched by the municipal Administration following the initiation of criminal proceedings against private economic operators and municipal employees in relation to certain authorised building interventions in the Milanese territory.

As can easily be deduced from the resolution, the aim is to work, in the general public interest, to prevent or limit negative effects on the activities of municipal offices and construction companies, as well as on the city's economic and social system in general.

In particular, municipal offices are asked to:

- (i) identify the construction files concerning works in progress or already completed, for which the Administration has evidence of open criminal investigations, or of the filing of complaints or of the request for verification received from the economic operator interested in the specific construction project;
- (ii) examine the possible effects of regulatory interpretations;
- (iii) as well as, identify possible determinations to be made in relation to the aforementioned files.

On the other hand, with regard to building works relating to cases similar to those covered by the criminal proceedings commenced at the Public Prosecutor's Office, for which a building permit has not yet been issued or, in any case, has not yet been formed, the Council requests that the administrative activity be temporarily oriented taking into account the indications inferable from the recent decree of the Judge for preliminary investigation of the Court of Milan, until new operational and interpretative indications inferable from legislative and/or jurisprudential sources.

Therefore, the invitation is, in concrete terms, to carefully assess the appropriateness of the application of the SCIA as an alternative to the building permit – considered by the Public Prosecutor's Office to be unsuitable for the construction of buildings taller than 25 metres – and the correct qualification of demolition and reconstruction interventions.

Although the Council emphasises – once again – that it has acted in full compliance with the current legal and regulatory framework (allowing the achievement of appreciable results in the field of urban regeneration and ensuring the limitation of the consumption of undeveloped land and the transformation and valorisation of disused and underused areas), it is undeniable that this

resolution constitutes a setback – albeit temporary – in the city’s real estate development and urban regeneration.

However, the fault lies not at all with the virtuousness of municipal offices, but with an excessively complex and disorganised building and town planning legislation.

Indeed, as repeatedly advocated, only a timely organic reform of the *Testo Unico dell’Edilizia* can facilitate the task of operators, including public servants, who are increasingly called upon to apply regulatory provisions that are the subject of continuous regulatory changes and not always homogeneous jurisprudential guidelines and practices.

The firm will closely follow the upcoming developments, remaining at your disposal for any needs.

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